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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

OREGON INTERNATIONAL AIR FREIGHT
CO., an Oregon corporation; OIA GLOBAL
LOGISTICS-SCM, INC., an Oregon
corporation

Plaintiffs,

v.

HEIDI BASSANO; MARIE BOVEY; LLOYD
BURKE; OLIVER BURKE; CHRISTOPHE
ESAYIAN; KIMBERLY KOMACKI;
MICHAEL LEHNERT; RAUL LUCENA;
MIKE RIZZO; TODD SWEENEY;
WILLIAM YANKOW; and DOES 1-20,

Defendants.

Case No. 3:21-cv-01480-SB

**PLAINTIFFS' ANSWER AND
AFFIRMATIVE DEFENSES TO
DEFENDANT LLOYD BURKE'S
COUNTERCLAIM**

Plaintiffs Oregon International Air Freight Co. and OIA Global Logistics-SCM Inc.
(together, "OIA" or "Plaintiffs") respond as follows to Defendant Lloyd Burke's Counterclaim in
this matter.

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COUNTERCLAIM

1.

In response to paragraph 98 of the Counterclaim, OIA admits Mr. Burke forwarded emails and documents from his OIA email account at least to a personal email account and to a Masterpiece International email account belonging to him and that such emails and documents contained proprietary, valuable, and confidential OIA information. OIA denies the remaining allegations in paragraph 98.

2.

OIA denies the allegations in paragraph 99 of the Counterclaim.

3.

OIA denies the allegations in paragraph 100 of the Counterclaim.

4.

OIA denies the allegations in paragraph 101 of the Counterclaim.

5.

OIA denies the allegations in paragraph 102 of the Counterclaim.

6.

Paragraph 103 calls for a legal conclusion to which no response is required. To the extent a response is required, OIA denies the allegations in Paragraph 103.

7.

In response to Mr. Burke's Relief Requested, OIA denies that Mr. Burke is entitled to any of the relief requested, including subparts a through d.

AFFIRMATIVE DEFENSES

Without conceding that it has the burden of proof as to any of the allegations that follow, OIA alleges and asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

8.

Mr. Burke's Counterclaim fails to state any claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Estoppel)

9.

Mr. Burke's Counterclaim is barred by the doctrine of estoppel.

THIRD AFFIRMATIVE DEFENSE

(Unclean Hands)

10.

Mr. Burke's Counterclaim is barred by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

(Waiver)

11.

Mr. Burke's Counterclaim is barred by the doctrine of waiver.

FIFTH AFFIRMATIVE DEFENSE

(No Damages)

12.

Mr. Burke's Counterclaim is barred because Mr. Burke did not suffer any damages.

SIXTH AFFIRMATIVE DEFENSE

(No Claim to Attorneys' Fees)

13.

OIA denies that Mr. Burke is entitled to the recovery of attorneys' fees, costs, or expenses.

RESERVATION OF CLAIMS AND DEFENSES

14.

OIA reserves the right to add or assert any additional claims and further defenses as may be revealed by discovery or otherwise.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Oregon International Air Freight Co. and OIA Global Logistics-SCM, Inc. pray as follows:

1. For judgment in favor of OIA and against Mr. Burke on Mr. Burke's Counterclaim;
2. That Mr. Burke's Counterclaim be dismissed with prejudice;
3. For an award to OIA of its reasonable attorneys' fees, expert fees, and costs; and
4. For such other and further relief as the Court deems just, proper, and equitable under the circumstances.

DATED: November 3, 2022

K&L GATES LLP

By: s/ Elizabeth H. White
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*Attorneys for Plaintiffs Oregon International
Air Freight Co. and OIA Global Logistics-
SCM, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of PLAINTIFFS' ANSWER AND AFFIRMATIVE DEFENSES TO DEFENDANT LLOYD BURKE'S COUNTERCLAIM to be served upon all counsel and parties of record to this matter on November 3, 2022, via the Court's CM/ECF System.

DATED: November 3, 2022.

s/ Elizabeth H. White
Elizabeth H. White, OSB #204729